

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**PHILIP J. CHARVAT,**

**Plaintiff,**

**v.**

**DISCOVER FINANCIAL SERVICES  
INC., et al.**

**Defendants.**

**Case No. 2:09-cv-490**

**JUDGE EDMUND A. SARGUS, JR.**

**MAGISTRATE JUDGE TERENCE P. KEMP**

**ORDER**

On July 24, 2009, Defendants Discover Financial Services, Inc. and Discover Bank filed a motion to dismiss certain claims contained in Plaintiff's complaint. With the Court's leave, Plaintiff filed an amended complaint on March 2, 2010. In light of Plaintiff's amended complaint, Defendants' motion to dismiss (Document 5) is hereby **DENIED** as moot.

**IT IS SO ORDERED.**

3-18-2010  
**DATED**

  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**